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Task Force Recommendations on Student Representation in the University Senate and Campus Assemblies.

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The Task Force on Student Representation of the University of Minnesota recommended that 75 student representatives be added as voting members of the University Senate, and that the 62 student senators from the Twin Cities campus also serve as voting members of the Twin Cities Assembly. The memorandum sets forth reasons why these constitutional changes should not be adopted and recommends some alternatives to the Task Force proposal. If the proposed changes were to be adopted, it is felt that there would be no organ of university government that would reflect the views of the faculty alone, and adoption plus university adherence to the one-man, one-vote principle would result in student control. It is believed that university government is best when it helps to accomplish the institutions's missions of teaching, research, and public service. Therefore, university items of business could be divided into 3 categories: (1) those on which students alone should vote, (2) those on which students and faculty should have an equal vote, and (3) those on which faculty alone should vote. Also, students should have an opportunity to be heard on all items, even in cases where they may not vote. The memorandum contains lists of university matters that have been handled by the University Senate for the past 10 years. It is felt that responsibility should be redistributed, and that increased decisions on student affairs by students would be desirable. (WM)

ED028729

February 24, 1969

TO: The Members of the University Faculty

FROM: Carl A. Auerbach, Professor of Law, University of Minnesota

SUBJECT: Task Force Recommendations on Student Representation in the University Senate and Campus Assemblies

On March 6, 1969, the members of the University Senate will be asked to vote on the changes in the Constitution of the Senate and Assemblies recommended by the Task Force on Student Representation. In essence, the Task Force proposes to add 75 student representatives as voting members of the Senate. The 62 student senators from the Twin Cities Campus would also serve as voting members of the Twin Cities Assembly. This memorandum sets forth the reasons why I think the proposed constitutional changes should not be adopted and suggests certain alternatives.

I. Principles To Guide Consideration Of The Role Of Students In The Government Of The University

The Task Force recommendations are based upon three assumptions--(1) that "we have educated our young people"; (2) that "they [our young people] are now and are to continue to be responsible citizens in our democratic society"; and (3) that "the principles of a democratic society extend to the academic community."

The first assumption is bewildering because "we" have not yet "educated our young people;" hopefully, we are in the process of doing so. One may share the second assumption and, for example, favor giving 18-year olds the right to vote, without favoring student voting representation in the University Senate and Campus Assemblies. The wisdom of the third assumption needs to be demonstrated, but the Task Force Report fails to do so. Instead, it relies upon a series of dogmatic assertions from which its conclusions do not necessarily follow. One may, for example, agree that "no one segment, or group of segments [of the University], should determine the institution's full potential for the attainment of truth" without accepting the Task Force's recommendations. Moreover, it is not enlightening to describe the process of governing the University as a "search for truth."

Nor is it entirely clear whether the Task Force itself looks to the eventual extension of "the principles of a democratic society" to the "academic community." These principles, applied to our

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political government, call for "one-man, one-vote". Applied to determine the extent of student representation in University government, they would mean student control. While the Task Force views its recommendations as "the next step in the steady progression toward a true University Senate," it does not describe its vision of "a true University Senate." Its "next step" also departs from "democratic principles" in recommending that students should not be represented on the University Committee on Tenure and the Senate Judicial Committee.

That University government is best, I would say, which best helps to accomplish the University's missions of teaching, research and public service. There are certain matters that are best left to students to a greater extent than even the Task Force recommends. On other matters, students should be recognized as "full partners." But there are academic matters on which students are not qualified to vote. The structure of University government should reflect these distinctions. The blunderbuss solution of the Task Force--student voting representation in the Senate and Assemblies-- ignore these distinctions and lessens the probability that the University will accomplish its purposes.

It is necessary also to distinguish between the question of such student representation and the question of affording students the fullest opportunities to be heard. Accomplishment of the University's teaching mission requires that students be given the amplest opportunities to be heard. To this end, the procedures of University government should require that students be notified of all matters, without exception, that will come before the University Senate and Campus Assemblies, and that student representatives be consulted about these matters and afforded an opportunity to indicate their positions and make their own proposals. Students should also be enabled to initiate proposals which the Senate and Assemblies would be required to consider.

In evaluating the need for institutions of faculty government (on which students will not have voting representation to decide certain academic matters, it should be appreciated that the ultimate authority for governing the University is placed by the University Charter in the Board of Regents. Nevertheless, it is true that the faculty, by delegation from the Regents or by custom, has undertaken a large decision-making role in University policies and procedures, and that this role has been respected by the President and the

Regents. Indeed, the assumption of this power and responsibility by the faculty is essential to the preservation of academic freedom, including the students' freedom to learn, as well as the faculty's freedom to teach. To maintain academic freedom, this faculty role, in my opinion, will have to become larger, not smaller, in the future.

The cause of academic freedom has advanced with the increasing professionalization of the academic enterprise. Only 50 years ago, the Presidents and trustees of institutions of higher learning used to determine the curriculum, the content of particular courses and even the use of particular books. They do so no longer because they acknowledge the faculty's academic expertise in these areas. To take the position that any student--or other amateur--is as competent as any faculty member to decide every one of the academic matters, which I suggest below should be entrusted to faculty decision alone, is to destroy a pillar of academic freedom. For then, why should not the alumni, the civil service staff and the parents be represented in a "true University Senate"? And why should the Board of Regents pay any special attention to the decisions of the faculty, let alone of a Senate enlarged to include student and such other group representation? After all, the Regents represent the people of Minnesota, a constituency obviously larger than the University community.

In truth, the members of the faculty are not pretending to an expertise they do not have simply to keep the Board of Regents from meddling too closely in their affairs. Only they--and the administrators--devote their lives to carrying out the University's missions. Within the University community, they alone have the scholarly knowledge of subject matter that is essential to devise curricula and judge the qualifications of those aspiring to enter the academic profession. Having to deal with the problems of effectuating the University's missions day after day and year after year enables the faculty to acquire the additional knowledge, experience and perspective needed to handle matters of academic organization and policy that affect the University as a whole. Only the faculty--and the academic administrators--are in a position to take account of the long-run educational interests of the University. Students have no persuasive claim to be permitted to vote on matters that will have an impact long after they graduate.

II. A Suggested Division Of Functions

To illustrate the principles which I suggest should guide the constitution of University government, I examined the minutes of the Senate for the last ten years and listed the items of business that passed through it under three categories -- (A) items on which students alone should vote; (B) items on which students and faculty should have an equal vote; and (C) items on which faculty alone should vote. As stated above, students should be given the opportunity to be heard on <u>all</u> these items.

I do not expect everyone to agree with my categorization of each of these items. Further reflection and discussion may induce me to change the listing of some items. But I hope to demonstrate that the suggested principles can be implemented. These principles, I should add, are also intended to guide the government of the colleges and departments, where the activities of greatest concern to students take place.

I did not list the items of business reported for information by the Administrative Committee upon which, traditionally, the Senate has not acted. The annual budget plan is an example. I assume that any item of University business which the faculty customarily leaves to the Administration is not an item on which students should vote.

I shall also attempt to suggest a structure of University Government that will afford students the opportunity to be heard on all matters and incorporate the principle of division of functions that I think emerges from the categorization of the items of Senate business set forth below.

A. <u>Items Of University Business Handled By Senate During Past Ten Years Which Should Be Entrusted Entirely To Student Decision</u>.

1. the organization of student government
2. women's hours
3. social events policy
4. policies affecting student publications
5. policies affecting student organizations

Article I of the Constitution of the University Senate (which will become effective in July, 1969) commits "to the President, the University Senate, and the several faculties" all matters "incident

to the management of the student body." Art. III, 3 empowers the University Senate "to enact regulations for the governing of the students in those relations with the University which affect the University as a whole." Art. II, 2 of the Constitution of the Twin Cities Campus Assembly empowers the Assembly "to enact regulations for the governing of the students in those relations with the University which affect the Twin Cities Campus."

The instrument of this regulation has been the standing Senate Committee on Student Affairs, on which student members, according to the Senate's By-Laws, must exceed, by at least one, the total of all other voting members. (Beginning July, 1969, this Committee will be an Assembly Committee).

I propose that the University should withdraw from its "in loco parentis" activities and leave it to students to determine their personal and social affairs. Only students should be authorized to decide the matters that now fall within the province of SCSA. There should be little regulation of the off-campus personal lives of students or of on-campus, non-academic student affairs. But whatever regulation there is, should be determined by the students themselves.

The University, however, would not be able to withdraw completely from these areas. In operating its dormitories, the University would continue to exercise the rights possessed by any off-campus landlord. So long as student publications are financed by the University, there will have to be some supervision over their operation. The allocation of space in University buildings for student organizations and meetings will have to be an administrative responsibility. Finally, the kinds of student conduct that should be subject to University discipline--and the procedures for imposing discipline-- will have to be determined. In my opinion, these questions should be decided by students and faculty jointly.

B. <u>Items Of University Business Handled By Senate During Past Ten Years Which Should Be Entrusted To Joint Faculty-Student Decision</u>.

1. Policy with respect to student conduct and discipline.
2. Policy on administration and presentation of courses for credit on television.

3. University Calendar, including policy with respect to "study breaks."
4. Matters within jurisdiction of Committee on Intercollegiate Athletics, e.g., Big Ten Conference eligibility rules, grants-in-aid to student athletes, Conference participation in NCAA and post-season games.
5. University position on loyalty oath and disclaimer provisions of National Defense Education Act of 1958.
6. Policy on relationships with prospective University students, including recruitment of students of high ability and minority-group students.
7. Policy on campus demonstrations.
8. Policy on speakers brought to campus by student organizations.
9. Policy on administration of University bookstores and general problems of fair and efficient distribution of books to students.
10. Class-hour scheduling.
11. Policy on absences of students participating in University-approved activities, such as the Rose Bowl Game.
12. Policy on holding classes during inauguration ceremonies.
13. All matters within jurisdiction of Library Committee.
14. Support of Guthrie Theatre.
15. Discontinuance of baccalaureate service.

C. <u>Items Of University Business Handled By Senate During Past Ten Years Which Should Be Entrusted Entirely To Faculty Decision</u>.

1. Faculty tenure regulations. (On departmental level, this category would also include appointments, promotions and salaries of individual faculty members).
2. Policy concerning selection and designation of professors to named chairs (e.g., Regents Professor) or professorial awards.
3. Transfer of specified members of library staff from civil service classifications to academic appointments.

4. Proposal to create a new employment classification between that of research assistant and research fellow or to permit appointment of research fellows at less than 80 percent time even if they are not registered in the Graduate School.
5. Membership of Dean of International Programs in the Administrative Committee.
6. Procedures which are followed in staffing college level courses for credit in the Extension Division.
7. Questions of academic organization which, in the past ten years, included:
   a. proper organization within the University of the physical and biological sciences.
   b. unification of the mathematics departments.
   c. organizational structure for liberal education within the University.
   d. status of the professional schools (Journalism, Social Work and Library Science) within the College of Liberal Arts.
   e. organization of extension and continuing education activities within the University.

The action taken by the Senate with respect to many of these organizational matters also included action on curricular questions.

8. Matters of faculty welfare, including policy governing travel to professional meetings. (Decision on some of these matters might be shared with civil service staff).
9. Research policy, including policy on secrecy in research.
10. Admissions policy (except policy on relationships with prospective University students, which should be determined jointly).
11. ROTC programs on campus.
12. Policy with respect to control of closed-circuit television installations at the University.
13. Policy on use of recording instruments in classrooms.
14. Awarding of a certificate to foreign students on the basis of attendence of classes when degree candidacy is not possible or practical.

15. Granting of University honors, including naming of building and rooms, outstanding achievement awards and alumni service awards.
16. Accreditation of private high schools and private and public colleges in Minnesota, including transfer recognition for Minnesota colleges.
17. University credit for advanced study in high school.
18. Establishment of University classes at senior high schools.
19. Residence requirements in extension courses for the bachelor's degree.
20. Administration of audio-visual education service.
21. Policies with regard to University printing and publications, excluding student publications.
22. Institution of tri-mester, rather than quarter, system.
23. Policy concerning University-sponsored educational materials.
24. Grading system, including the question of pass-no credit courses.
25. Long-range planning in general.

D. Items Of University Business Handled By Senate During Past Ten Years Which Should Be Entrusted To Joint Faculty-Civil Service Staff Decision.

1. Certain welfare matters.
2. Participation in United Fund Campaign.

E. Items Of University Business Handled By Senate During Past Ten Years Which Should Be Entrusted To Joint Faculty-Students-Civil Service Staff Decision.

1. Parking
2. Safety

II. Preliminary Suggestions Regarding Governmental Structure To Implement Above Principles

I shall not deal with the matters that concern the civil service staff. The representation of this staff raises problems of unionization beyond the province of this memorandum.

A. Student Government

1. Student government should be revitalized. The Task Force's recommendations with respect to the manner of electing student senators and assemblymen might well be adopted for the election of students to govern the Minnesota Student Association.

2. The matters now within the province of SCSA should be transferred to the jurisdiction of MSA's governing organs.

3. Procedures should be instituted under which the University Senate and Campus Assemblies would not take final action on any matter of importance without first giving the governing organs of MSA an opportunity to discuss the matter and make their views known.

In addition, the governing organs of MSA should be empowered to initiate proposals to which the University Senate, Campus Assemblies and Administration would be obligated to respond whether they concern the personnel, curricular or budgetary policies of the University. Practical procedures can be devised to assure that this obligation is discharged properly. I am certain that thoughtful consideration would be given to any student-initiated proposal.

4. To assure students the fullest opportunity to be heard, they should have substantial representation on all committees of the University Senate and Campus Assemblies (and of the colleges and departments, as well)--with the following exceptions. Students should not be represented on the University Senate's Consultative Committee which, in practice, is the executive committee of the faculty. This Committee should continue to reflect the voice of the faculty alone. However, MSA might create a student Consultative Committee of its own to consult with the faculty, the President and the Board of Regents.

Students should not be represented on the University Senate's Faculty Affairs Committee, which is exclusively concerned with the personal and professional welfare of the faculty.

Nor should students serve on committees which deal exclusively with the research and scholarly activities of <u>individual</u> faculty members, as distinguished from research policy, or with questions of tenure, promotions and salaries of <u>individual</u> faculty members, as distinguished from tenure and promotion policy. Accordingly

students should not serve on the University Senate's Judicial Committee. Nevertheless, MSA might undertake to elaborate procedures to assure effective and fair student evaluation of courses and teaching.

Finally, students should not be represented on the All-University Administrative Committee which should remain the principal organ of administration.

The student representatives on the committees of the University Senate and Campus Assemblies (and colleges and departments) should be selected by the students themselves.

I do not envisage faculty membership on the committees of the organs of student government--unless this is requested by the students themselves. I am sure that faculty members would then be willing to serve.

B. Faculty Government

The University Senate and Campus Assemblies should be constituted as presently planned, without the changes proposed by the Task Force. Their committees should be formed as recommended above.

C. An All-University Council

Professor Harold Deutsch has suggested the possibility of establishing an All-University Council to represent administration, students, faculty and civil service staff. While I am open to this suggestion, I do not now think that such an additional organ of University government is required. The President or the Board of Regents could call the proposed student and faculty Consultative Committees into joint session whenever either thought it wise to do so. Representatives of civil service staff could be added whenever that was deemed appropriate. To create a standing, all-University Council runs the danger that it may assume powers it should not possess.

D. Procedure For Dividing Functions And Taking Joint Action

The University Senate should be empowered to determine, in the first instance, which matters are to be decided solely to the organs of student government, which solely by the organs of

faculty government and which by both. The faculty Consultative Committee should meet with the student Consultative Committee to discuss this division of functions and make recommendations thereon to the Senate.

If the organs of student government are dissatisfied with the division made by the University Senate, they should be authorized to appeal to the President and the Board of Regents. In every case, the ultimate decision will lie with the Regents.

The organs of student and faculty government should meet separately to consider the matters on which the action of both would be required. But this need not be an inflexible rule. On suitable occasions, they might meet jointly to discuss these matters. Faculty-student conference committees could be appointed whenever necessary to resolve differences, or to prepare joint meetings.

Finally, students and faculty should be equally represented on any University, college or departmental committee entrusted with the task of disciplining individual students. The chairman of such a committee should be a faculty member (preferably a law professor) with the right to vote only in the case of a tie.

III. Conclusion

These tentative suggestions for the government of the University should be contrasted with the Task Force recommendations. If the Task Force recommendations are adopted, there will be no organ of University government to reflect the views of the faculty alone. It seems to be generally agreed that student government, as it now exists, will also be destroyed.

The Task Force regards these outcomes as desirable; we would then have, according to the Task Force, "a partnership, a sharing of responsibility, rather than the fragmented power struggle represented by separatists walls protecting student power, faculty power, and administrative power." This is the traditional argument of those who oppose decentralization and diversity and who end up creating centralized structures that make a mockery of meaningful democratic participation in decision-making.

If the Task Force recommendations are adopted, voting representation in the University Senate and Campus Assemblies will have

to be accorded to administrators, instructors on regular appointment and research fellows. If every member of the Administrative Committee is given the right to vote and every ten instructors and research fellows are permitted to elect a representative, the University Senate would total 398 members. In addition, it would be impossible to deny representation to the 10,000 civil service employees of the University. To increase the ratio of electors to representatives in order to hold down the size of the Senate would make it more difficult to reflect the varieties of campus opinion. We are on notice furthermore, that the extent of student representation recommended by the Task Force is only a first step. Issues to provoke constant future agitation will thus be created--agitation for increased student representation, equal representation, or even student control. Indeed, if students are the peers of faculty on all academic matters, why should such agitation be resisted? And why should not students have voting representation on the organs of college and departmental government?

I have heard some proponents of the Task Force recommendations argue against the latter possibility on the ground that important matters are decided on a college and departmental level but not in the University Senate. Students would be justified to reject this argument with contempt--as I do.

There is no more important organ of faculty self-government than the University Senate. It is vital, under present circumstances, to realize its full potential. The Task Force recommendation will make this impossible. The end result, in my opinion, will be to force the Administration to assume more of the effective powers of University government than it does now.

In any case, the faculty should have a conception of University government that it is prepared to apply on a college and departmental, as well as University, level.

I have also heard it argued that adoption of the Task Force recommendations will be followed inevitably--and despite what the Task Force envisages--by efforts to create effective organs of student and faculty government. But if this is in prospect, it would be most unwise to put such large and unwieldly supreme institutions of University government as the Task Force recommends on top of subordinate organs of student and faculty government. It would also

then become essential to think of the division of functions among these various governmental organs along the lines I have suggested. If all this is contemplated, why should the faculty be asked to act on the Task Force's recommendations now? Why should not the structure and functions of the separate organs of student and faculty government be considered at the same time?

Finally, it is argued that the recommendations of the Task Force should be adopted because they are espoused by groups of students who sincerely believe that they can improve the University by working within its structure, yet who, if the recommendations are rejected, would become alienated activists ready to disrupt the University. I do not think this is good reason for the faculty to take action it deems unwise. These very students--whom we should cherish--would have no respect for us if they thought fear and intimidation led us to accept the Task Force recommendations. Furthermore, the suggestions I have advanced will give these students ample opportunity to work within the structure of the University in order to improve it.

In the past ten years, no issue of comparable significance for the faculty has been sought to be resolved in such great haste. Usually, a Task Force report is presented to the faculty only after it has been considered thoroughly be some standing committee of the Senate. There has been no such consideration in the case of this report. The faculty has not even had the benefit of the off-the-cuff views of its Committee on Educational Policy. It is difficult to see why there is such great haste. Let us take the time necessary for more thought and deliberation.